

City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A169.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused. Should the Committee see merit in the application, staff recommends that the following terms be included.

Application Details

The applicant requests the Committee to approve a minor variance to allow a change of use proposing:

1. A Motor Vehicle Repair Facility – Restricted use whereas By-law 0225-2007, as amended, does not permit this use on the subject property in this instance; and,
2. A Motor Vehicle Sales, Leasing and/or Rental Facility- Restricted as an accessory sales use whereas By-law 0225-2007, as amended, does not permit this use on the subject property in this instance.

Terms

Should the Committee see merit in the application, Planning staff recommend that the following terms be included:

1. No outside storage of motor vehicles shall occur on the premises.
2. No outdoor repairs of motor vehicles and all business shall be contained indoors.
3. No auto body repair shall be permitted on the subject property.
4. No sales signage of motor vehicles.
5. No more than two vehicles shall be for sale at any given time.

Background

Property Address: 70 Wesley Ave

Mississauga Official Plan

Character Area: **Port Credit Neighbourhood (West)**
Designation: **Business Employment**

Zoning By-law 0225-2007

Zoning: D-Development Zone

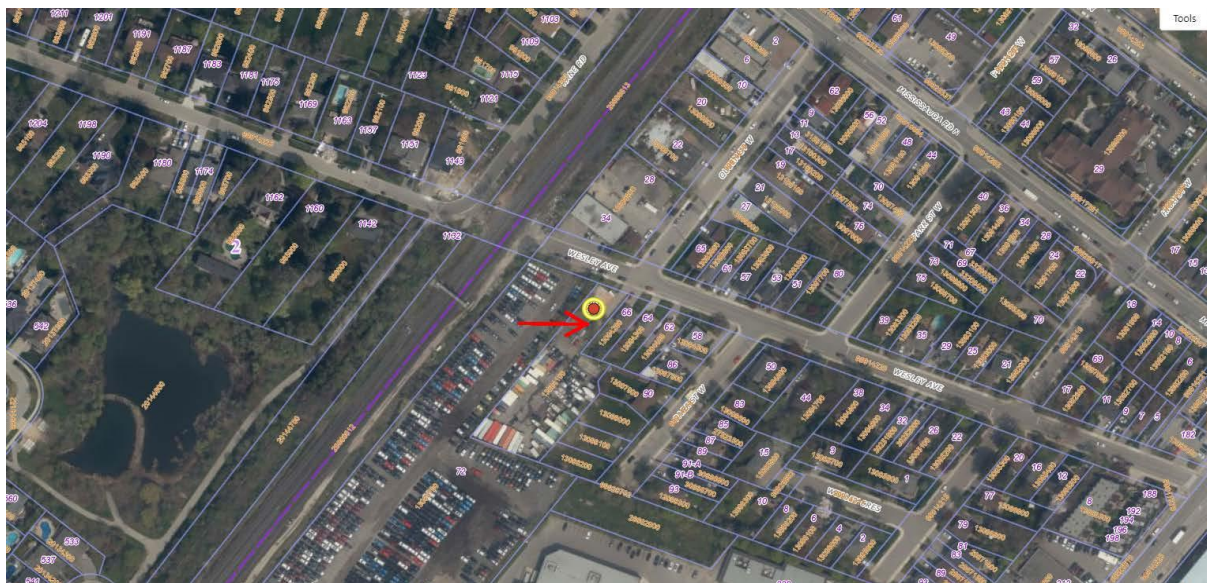
Other Applications: A223/20

Site and Area Context

The subject site is located within the Port Credit Neighbourhood Character Area, northwest of the Mississauga Road North and Lakeshore Road West intersection. Further north of the subject site is a Metrolinx railway line.

The immediate area primarily consists of residential uses. However, there are a few business employment uses located to the east of the subject site on the north side of Queen Street West.

The subject site contains an existing single storey building with outdoor storage in the rear yard. The applicant requests minor variances to permit the existing land uses listed above. The applicant was granted temporary minor variance approval for the same uses on August 20, 2020, for a period of three years. The Committee approved the application subject to the terms above.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application are as follows:

Planning staff echo their comments from application A223.20 and continue to recommend refusal of the requested variances.

The subject site is designated "Business Employment" in Schedule 10 of the Mississauga Official Plan limits motor vehicle uses to a motor vehicle repair facility, motor vehicle commercial and other non motor vehicle uses. The official plan only allows motor vehicle sales in a 'Mixed Use' designation. The intent of the official plan is to allow motor vehicle retail uses in a commercial zone with other retail uses and to not create a precedence in establishing retail car dealerships in other designations as of right. Therefore, staff is of the opinion that variance #2 does not maintain the general intent and purpose of the official plan.

The subject site is zoned 'D' (Development) which permits buildings/structures that were legally existing on the date of passing of Zoning By-law 0225-2007. The City's records indicate that a motor vehicle repair and motor vehicle sales facility did not legally exist on the date of passing the by-law. The intent of a 'D' zone is to only allow building or structures that were legally existing on the date the by-law was passed or to have the property rezoned to bring a site in conformity with the official plan and to create applicable zoning regulations. In this instance, the proposed uses did not legally exist on the date the by-law was passed. As a result, the general intent and purpose of the zoning by-law is not maintained.

The official plan does not envision motor vehicle sales in the Business Employment designation and the zoning bylaw does not permit either of the requested uses in the 'D' zone. Furthermore, the 'D' zone only permits buildings/structures that were legally existing prior to the passage of the zoning by-law in effect. A motor vehicle repair and motor vehicle sales facility did not legally exist on the subject property prior to the passing of the zoning by-law. Staff are of the opinion that the application is not desirable nor minor in nature. As such, Planning staff recommends that the application be refused.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the subject property.

Comments Prepared by: John Salvino, Development Engineering Technologist







Appendix 2 – Zoning Comments

We note that a Zoning Certificate of Occupancy Permit is required. In the absence of a Zoning Certificate of Occupancy Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Metrolinx

70 Wesley Ave - A169.24

Metrolinx is in receipt of the Minor Variance application for 70 Wesley Ave to allow an existing motor vehicle repair, sales, leasing, and rental facility. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

Advisory Comments:

- As the requested variances have minimal impact on Metrolinx property (i.e., Oakville Subdivision), Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised of the following:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 –Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Planner